

2013

## The End of Men or the Rebirth of Class?

June Carbone

University of Minnesota Law School, [jcarbone@umn.edu](mailto:jcarbone@umn.edu)

Naomi Cahn

George Washington University Law School, [ncahn@law.gwu.edu](mailto:ncahn@law.gwu.edu)

Follow this and additional works at: [https://scholarship.law.umn.edu/faculty\\_articles](https://scholarship.law.umn.edu/faculty_articles)



Part of the [Law Commons](#)

---

### Recommended Citation

June Carbone and Naomi Cahn, *The End of Men or the Rebirth of Class?*, 93 B.U. L. REV. 871 (2013), available at [https://scholarship.law.umn.edu/faculty\\_articles/125](https://scholarship.law.umn.edu/faculty_articles/125).

This Article is brought to you for free and open access by the University of Minnesota Law School. It has been accepted for inclusion in the Faculty Scholarship collection by an authorized administrator of the Scholarship Repository. For more information, please contact [lenzx009@umn.edu](mailto:lenzx009@umn.edu).

---

## PANEL III: FAMILY

### THE END OF MEN OR THE REBIRTH OF CLASS?

JUNE CARBONE\* AND NAOMI CAHN\*\*

|  |     |
|--|-----|
| INTRODUCTION .....   | 872 |
| I. THE RISE OF WOMEN OR THE RECREATION OF CLASS? .....   | 874 |
| A. <i>The Rise of Women?</i> .....   | 874 |
| B. <i>Income Inequality and Elite Male Dominance</i> .....   | 876 |
| C. <i>Gender and the Recreation of Class</i> .....   | 878 |
| D. <i>The End of Blue-Collar Men</i> .....   | 880 |
| II. THE FAMILY .....   | 882 |
| A. <i>Remade Marriages at the Top: The True Feminist<br/>        Triumph</i> .....                 | 884 |
| B. <i>The Disappearance of Marriage at the Bottom: Gender<br/>        Distrust Magnified</i> ..... | 887 |
| C. <i>The Fate of the Middle: The Remade Terms of Family Life</i> .....                            | 890 |
| III. RECONSTRUCTING COMMUNITY .....  | 893 |

*This Essay argues that much of what has been described as the “end of men” is in fact the recreation of class. Greater inequality among men and women has resurrected class differences and changed the way men and women relate to each other and channel resources to their children. While women have in fact gained ground in the workplace and acquired greater ability to live, work, play, and raise children without men, a mere relative move toward sex equality only masks the more fundamental changes occurring in American society and the continuing existence of patriarchy.*

*First, the improved freedom women enjoy does not translate into greater power at the top. Greater societal inequality has instead offset these changes by increasing elite male dominance, marginalizing women in the executive ranks and in the most prestigious professional circles, and ceding political*

---

\* June Carbone is the Robina Chair of Law, Science and Technology at the University of Minnesota Law School.

\*\* Naomi Cahn is the Harold H. Greene Professor of Law at George Washington University Law School.

Our thanks to Linda McClain, Khiara Bridges, and Katharine Silbaugh; the *Boston University Law Review*; and Hanna Rosin for providing us with this opportunity. We would also like to thank Nancy Levit and Naomi Schoenbaum for their generous comments, and Melinda Dudley, Mary Kate Hunter, and Lindsay Luken for their research assistance.

power to a conservative elite that has removed women's issues from the public agenda. At the height of the era that supposedly marks the "end of men," the gendered wage gap has been increasing for college graduates even as it declines for everyone else. In a winner-takes-most world, the disproportionate rewards go to the alpha dogs, who remain overwhelmingly male.

Second, the genuine decline of working-class men does not necessarily benefit women. Instead, it means that an increasing number of women in Middle America have little choice but to raise families on their own as the men in their lives become less reliable. As society becomes more unequal, it writes off a greater percentage of men to imprisonment, chronic unemployment, substance abuse, and mental instability. The women left with low-paying but stable jobs at Walmart or Burger King have trouble finding partners who can either contribute enough to make the relationship worthwhile or who will assist the new female breadwinner as she both brings home the bacon and cooks it. These women have independence but neither power nor help at home.

In short, over the past several decades, men have lost ground everywhere but the top, increasing male inequality. While women have gained in the middle and the bottom, they are not equal – anywhere – because men retain "structural power" over women. Accordingly, we conclude that for the "end of men" to be a meaningful concept that describes a more egalitarian society, we must decrease economic inequality. The result would translate greater power for women into a better deal for men and a greater investment in all children.

#### INTRODUCTION

Imagine a society in which women are known for their outspokenness and wit. They have access to the same education as men. They can own, inherit, and manage property. They enjoy a relatively greater degree of sexual freedom than in nearby societies. Would we celebrate the rise of women? Herald the "end of men"? If we learned that we had just read a description of Sparta, would we reinterpret the results?<sup>1</sup> The sad truth is that the dominance of elite men can create conditions that look like the emancipation of women but only signal the end of male income advantage near the bottom of steeply graduated male hierarchies. It is a mistake to conflate the relatively greater advantages women enjoy in such a society with female power. Men – and male power – remain alive and well where it counts most, and that is at the top.

Looking at the United States today, the big story over the last two decades has been the growth of income inequality and the rise of a more dominant group of elite men. The true rise of women – based on the large-scale entry of women into the labor market and their increased control of their own reproduction – was largely complete by the end of the 1980s.<sup>2</sup> The more recent

---

<sup>1</sup> See MARCIA GUTTENTAG & PAUL F. SECORD, TOO MANY WOMEN? THE SEX RATIO QUESTION 47 (1983) (describing the "economic, educational, and sexual opportunities" women enjoyed in ancient Sparta).

<sup>2</sup> See NAOMI CAHN & JUNE CARBONE, RED FAMILIES V. BLUE FAMILIES: LEGAL

changes do not involve a contest between men and women. Instead, the story that follows is a tale about the recreation of class with two overlapping parts.

The first part involves increased societal inequality, and it is primarily a story about men. A new elite has emerged over the last two decades, and it has rewritten the terms of American life. The result is a "winner-take-all" economy.<sup>3</sup> The top one percent commands an increasing share of all societal resources, college graduates as a group have seen increasing returns on their educations and enjoy a disproportionate share of the benefits dual-earner families provide, and everyone else has lost ground. The biggest losers in the new economy have been working-class men, whose losses are tied to the winners in the new economy, not the women in their lives who pick up the pieces.

The second part of the story involves the way men and women match up with each other in a more unequal world. Greater inequality has segmented marriage markets and upped the stakes underlying mating and dating. College graduates have become much more likely to marry only each other.<sup>4</sup> Researchers find that men have joined women in valuing their partners' income capacity,<sup>5</sup> and the families who have shown the greatest income gains over the last twenty years have been dual-earner college graduates.<sup>6</sup>

In these remade marriage markets, family "values" have become a marker of class. Marriageable men outnumber marriageable women only at the top, and only at the top has the stable two-parent family remained the norm.<sup>7</sup> In the rest

---

POLARIZATION AND THE CREATION OF CULTURE 36-37 (2010).

<sup>3</sup> See ROBERT H. FRANK & PHILIP J. COOK, *THE WINNER-TAKE-ALL SOCIETY: WHY THE FEW AT THE TOP GET SO MUCH MORE THAN THE REST OF US* (1995) (describing winner-take-all markets in which value is produced by only a small number of top performers); JACOB S. HACKER & PAUL PIERSON, *WINNER-TAKE-ALL POLITICS: HOW WASHINGTON MADE THE RICH RICHER AND TURNED ITS BACK ON THE MIDDLE CLASS* (2010).

<sup>4</sup> Christine R. Schwartz & Robert D. Mare, *Trends in Educational Assortative Marriage from 1940 to 2003*, 42 *DEMOGRAPHY* 621, 641 (2005).

<sup>5</sup> See Christine R. Schwartz, *Earnings Inequality and the Changing Association Between Spouses' Earnings*, 115 *AM. J. SOC.* 1524, 1526 (2010).

<sup>6</sup> See Sara McLanahan, *Diverging Destinies: How Children Are Faring Under the Second Demographic Transition*, 41 *DEMOGRAPHY* 607, 614 (2004) (showing that the highly educated have become more likely to marry each other, that highly educated mothers are more likely to remain in the workforce, and that their family income has continued to rise through 2000 even as everyone else's family income was stagnating). This analysis, of course, leaves out the true winners in today's economy, the so-called "one percent," and fails to account for the slowed increase in white-collar wages after 2000. See Paul Krugman, Op-Ed., *Robots and Robber Barons*, *N.Y. TIMES* (Dec. 9, 2012), <http://www.nytimes.com/2012/12/10/opinion/krugman-robots-and-robber-barons.html?hp> (discussing stagnating wages for recent college graduates in light of growing corporate profits).

<sup>7</sup> June Carbone & Naomi Cahn, *The Conservative War on Single Mothers Like Jessica Schairer*, *NEXT NEW DEAL* (July 19, 2012), <http://www.nextnewdeal.net/conservative-war-single-mothers-jessica-schairer>.

of society, gender distrust has increased, less stable employment has taken a toll on relationship stability, and the most attractive men (the ones with jobs) find that they can play the field more easily than they can manage the tradeoffs necessary to get by in the new economy. As a result, the highest earners concentrate their dual incomes on their offspring's development while the least well off struggle to feed their children.

This is not the world that many people imagine when they fantasize about the "end of men." Instead, this world ironically owes more to the return of hierarchy among men than to the rise of genuine societal power among women. Accordingly, we conclude with recommendations for institutionalizing women's equality by decreasing economic inequality, which will translate into a better deal for men and a greater investment in all children.

### I. THE RISE OF WOMEN OR THE RECREATION OF CLASS?

The last half century has seen fundamental changes in the economy. These changes increased the demand for the type of labor women have historically performed, decreased the premium for physical labor and long-serving middle managers, and dramatically increased CEO pay, the wealth of the financial sector, and the value of executive stock options.<sup>8</sup> The consequences are dramatically greater inequality, more opportunities for women than in eras during which they were systemically excluded from the labor market, and much greater dominance of the overwhelmingly male one percent. These changes are having a dramatic effect on society and the family.

The question is: why call these effects the "end of men"? We could just as well call them the "rise of the elephant seals," a comparison drawn by economist Bob Franks to explain how in winner-take-all communities, alpha males compete to become the largest – or the wealthiest – at the expense of the community as a whole.<sup>9</sup> We believe that the rise of women needs to be placed in the context of increased male inequality. If women ran the world, we suspect that the men on the losing end of today's economic changes would be better off and women's gains in education and income would be less remarkable. Let's give the "end of men" its due, however, and start with a picture of the changes in the status of women.

#### A. *The Rise of Women?*

Women have made enormous strides in gaining access to higher education and the workplace. Most of the change occurred during the 1970s, the height of

---

<sup>8</sup> See CAHN & CARBONE, *supra* note 2, at 36-37 (describing the increased demand for non-manual labor in the post-industrial economy); Alexander Eichler, *Gender Wage Gap Is Higher on Wall Street Than Anywhere Else*, HUFFINGTON POST (Mar. 19, 2012, 11:09 AM), [http://www.huffingtonpost.com/2012/03/19/gender-wage-gap-wall-street\\_n\\_1362878.html](http://www.huffingtonpost.com/2012/03/19/gender-wage-gap-wall-street_n_1362878.html).

<sup>9</sup> See ROBERT H. FRANK, *THE DARWIN ECONOMY: LIBERTY, COMPETITION, AND THE COMMON GOOD* 7-8 (2011).

the women's movement.<sup>10</sup> The birth of the information economy – with greater demand for women's market labor – set the stage. The sex revolution and access to the pill and abortion helped. Claudia Goldin and Lawrence Katz emphasized that in a few short years legal changes that made abortion legal and contraception available on college campuses had an immediate impact on the average age of marriage, overall fertility, and women's ability to attend professional and graduate schools.<sup>11</sup> Laws prohibiting sex discrimination, sexual harassment, and pregnancy discrimination helped secure women's advances.<sup>12</sup> These changes, together with parallel changes in the economy that increased the demand for women's labor, had an enormous impact on women's workforce participation and earnings.<sup>13</sup> They were, however, largely complete by the mid-1980s.

A look at the statistics confirms the advances women have made in both higher education and the workplace. Women constituted 42% of total college enrollees in 1970; today that number is 57%, a percentage that has remained constant over the last decade.<sup>14</sup> Women were much more likely to participate in the workforce in 2010 than in 1970 (40.8% in 1970, 47.7% in 1980, and 53.6% in 2010).<sup>15</sup> The overall wage gap between men and women has narrowed substantially from 1970, when women earned 60% of what men earned, to today, when women earn 77% of what men earn.<sup>16</sup> And yes, while wives' earnings made up 26.6% of total family income in 1970, they contribute 37.1% today, an increase of more than one-third.<sup>17</sup> Similarly, the number of married couples in which both husband and wife are wage-earners has increased substantially, from 45.7% in 1970 to 55.3% in 2009.<sup>18</sup> The number of families in which the husband is the sole wage-earner has decreased by almost 50%, from 33.3% in 1970 to 18% in 2009, while the number of families in which the wife is the sole wage earner has more than tripled, albeit from an almost insignificant 1.9% in 1970 to a still small 6.6% in 2009.<sup>19</sup> Women have

---

<sup>10</sup> CAHN & CARBONE, *supra* note 2, at 37-38.

<sup>11</sup> Claudia Goldin & Lawrence F. Katz, *The Power of the Pill: Oral Contraceptives and Women's Career and Marriage Decisions*, 110 J. POL. ECON. 730, 731 (2002).

<sup>12</sup> *Id.* at 766.

<sup>13</sup> See *supra* note 8 and accompanying text.

<sup>14</sup> SUSAN AUD ET AL., NAT'L CTR. FOR EDUC. STATISTICS, *THE CONDITION OF EDUCATION* 2012, at 162 tbl.A-10-1 (2012), available at <http://nces.ed.gov/pubs2012/2012045.pdf>.

<sup>15</sup> U.S. CENSUS BUREAU, *STATISTICAL ABSTRACT OF THE UNITED STATES: 2012*, at 378 tbl.588 (2012), available at <http://www.census.gov/prod/2011pubs/12statab/labor.pdf>.

<sup>16</sup> AM. ASS'N OF UNIV. WOMEN, *THE SIMPLE TRUTH ABOUT THE GENDER PAY GAP* 3 fig.1 (2013), available at <http://www.aauw.org/files/2013/03/the-simple-truth-about-the-gender-pay-gap-2013.pdf>.

<sup>17</sup> BUREAU OF LABOR STATISTICS, U.S. DEP'T OF LABOR, *WOMEN IN THE LABOR FORCE: A DATABOOK* 77 tbl.24 (2011), available at <http://www.bls.gov/cps/wlf-databook-2011.pdf>.

<sup>18</sup> *Id.* at 76 tbl.23.

<sup>19</sup> *Id.*

in fact gained in education, income, and status. Before we celebrate too much, however, let's consider who the real winners have been.

### B. *Income Inequality and Elite Male Dominance*

Over the last twenty years, the single biggest change in the U.S. economy has been the increase in income inequality between the rich and the poor. The inequality in wages is the highest it has been in a century.<sup>20</sup> Between 1980 and 2005, the United States enjoyed considerable growth and productivity gains, but 80% of the increase in income went to the top one percent of U.S. earners.<sup>21</sup> Those at the very top, the 99.99th percentile, increased their income between 1985 and 2005 by a factor of five, while those below the ninety-ninth percentile showed relatively modest gains, and income stagnated for those below the top quintile.<sup>22</sup> Putting the overall picture together, Congressional Budget Office figures show that the top one percent increased their after-tax earnings by 275% between 1979 and 2007, compared to a 65% increase for others in the top 20%, a 37% increase in the middle three-fifths of households, and an 18% increase for the bottom fifth.<sup>23</sup> This means that the top one percent actually earns slightly less than one-fifth of the entire nation's pre-tax income, which is double the proportion they earned in the early 1980s.<sup>24</sup>

Now, let's consider the gender breakdown underlying these figures, beginning with the professions. Women have dramatically increased their representations among doctors and lawyers, and the most highly paid professionals have increased their incomes substantially. Yet women have also lost ground in recent years. Women constitute slightly less than one-third of all physicians and surgeons, and their starting salaries are almost 17% less than that of their male counterparts.<sup>25</sup> Indeed, the gender gap has widened for starting salaries, rising from a difference of \$3600 in 1999 to \$16,819 in 2008.<sup>26</sup> Researchers have concluded that specialty choice, practice setting,

---

<sup>20</sup> See Timothy Noah, *The United States of Inequality*, SLATE (Sept. 3, 2010, 3:06 PM), [http://www.slate.com/articles/news\\_and\\_politics/the\\_great\\_divergence/features/2010/the\\_united\\_states\\_of\\_inequality/introducing\\_the\\_great\\_divergence.html](http://www.slate.com/articles/news_and_politics/the_great_divergence/features/2010/the_united_states_of_inequality/introducing_the_great_divergence.html).

<sup>21</sup> *Id.*

<sup>22</sup> LARRY M. BARTELS, *UNEQUAL DEMOCRACY: THE POLITICAL ECONOMY OF THE NEW GILDED AGE* 6-11 (2008).

<sup>23</sup> CONG. BUDGET OFFICE, *TRENDS IN THE DISTRIBUTION OF HOUSEHOLD INCOME BETWEEN 1979 AND 2007*, at 3 (2011), available at <http://www.cbo.gov/sites/default/files/cbofiles/attachments/10-25-HouseholdIncome.pdf>.

<sup>24</sup> Shaila Dewan & Robert Gebeloff, *Among the Wealthiest One Percent, Many Variations*, N.Y. TIMES (Jan. 14, 2012), [http://www.nytimes.com/2012/01/15/business/the-1-percent-paint-a-more-nuanced-portrait-of-the-rich.html?\\_r=0](http://www.nytimes.com/2012/01/15/business/the-1-percent-paint-a-more-nuanced-portrait-of-the-rich.html?_r=0).

<sup>25</sup> Anthony T. Lo Sasso et al., *The \$16,819 Pay Gap for Newly Trained Physicians: The Unexplained Trend of Men Earning More Than Women*, 30 HEALTH AFF. 193, 193-96 (2011).

<sup>26</sup> *Id.* at 193.

work hours, and other characteristics cannot explain the gap.<sup>27</sup> In law, the differences are smaller, but the percentage of women in law school peaked in 2001 and has been declining ever since.<sup>28</sup> With the decline in graduates, the pipeline into law firms has also been declining modestly over the last ten years.<sup>29</sup> Women continue to hold only about 15% of equity partnerships, the most lucrative positions in the legal profession, and that figure has been largely unchanged for twenty years.<sup>30</sup> Firms have moved toward different compensation tiers, however, and women do not fare as well in the new systems as they did in firms with a single partnership level.<sup>31</sup>

Further exacerbating the exclusion of women from the top income ranks is the change in the financial sector, the sector of the economy whose income grew most rapidly over the last twenty years.<sup>32</sup> “The six jobs with the largest gender gap in pay and at least 10,000 men and 10,000 women were in the Wall Street-heavy financial sector: insurance agents, managers, clerks, securities sales agents, personal advisers and other specialists.”<sup>33</sup> Moreover, while the percentage of women in business schools has increased to 44%,<sup>34</sup> “[t]he number of women on Wall Street has dropped off since 2000.”<sup>35</sup> “[I]n 2008 and 2009, the number of sexual harassment charges per woman in the financial industry grew higher.”<sup>36</sup> Total compensation for executives tripled over the last fifteen years,<sup>37</sup> with the ratio of CEO compensation to average worker pay increasing by at least a factor of ten.<sup>38</sup> Yet recent figures indicate that women

<sup>27</sup> *Id.* at 194.

<sup>28</sup> J. Gordon Hylton, *Women Are Still Relatively New in the Legal Profession*, MARQ. U. L. SCH. FAC. BLOG (July 25, 2009), <http://law.marquette.edu/facultyblog/2012/07/25/women-are-still-relatively-new-in-the-legal-profession/>.

<sup>29</sup> NAT’L ASS’N OF WOMEN LAWYERS & NAWL FOUND., REPORT OF THE SIXTH ANNUAL NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS 5 (2011), available at <http://nawl.timberlakepublishing.com/files/NAWL%202011%20Annual%20Survey%20Report%20FINAL%20Publication-ready%2011-9-11.pdf>.

<sup>30</sup> *Id.* at 3.

<sup>31</sup> *Id.* at 5.

<sup>32</sup> FIN. CRISIS INQUIRY COMM’N, THE FINANCIAL CRISIS INQUIRY REPORT 62 (2011).

<sup>33</sup> Frank Bass, *Shining Shoes Best Way Wall Street Women Outearn Men*, BLOOMBERG (Mar. 16, 2012, 1:01 PM), <http://www.bloomberg.com/news/2012-03-16/shining-shoes-best-way-wall-street-women-outearn-men.html>.

<sup>34</sup> Jenna Goudreau & Ruchika Tulshyan, *Why More Women Are Heading to Business School*, FORBES (Apr. 16, 2010, 5:30 PM), <http://www.forbes.com/2010/04/16/mba-women-business-school-forbes-woman-leadership-education.html>.

<sup>35</sup> Bass, *supra* note 33.

<sup>36</sup> Eichler, *supra* note 8.

<sup>37</sup> Brian J. Hall & Kevin J. Murphy, *The Trouble with Stock Options*, 17 J. ECON. PERSP. 49, 51 (2003) (reporting and discussing executive option grants).

<sup>38</sup> LAWRENCE MISHEL ET AL., ECON. POLICY INST., THE STATE OF WORKING AMERICA 2006/2007, at 7 (2007); see also Carola Frydman & Raven E. Saks, *Executive*



constitute only 4.2% of CEOs at Fortune 500 and Fortune 1000 companies,<sup>39</sup> and in 2009 only 16% of corporate officers at Fortune 500 companies were women.<sup>40</sup> Women are losing out in the sectors of the economy where compensation is most rapidly increasing.

In the highly lucrative tech sector, the overall percentage of women has been falling. Ten years ago women earned 28.1% of all computer and information sciences bachelor's degrees; today they earn 18.1% of such degrees.<sup>41</sup> The same is true for engineering, a field in which women earned 18.6% of the degrees awarded a decade ago, but only 16.8% of the degrees awarded more recently (a small decrease, but a decrease nonetheless).<sup>42</sup> Even though women graduate from college in greater numbers than men,<sup>43</sup> women have lost ground in gaining entry to the most remunerative degrees and positions.

### C. *Gender and the Recreation of Class*

In light of these changes, let's revisit the statistics that show women's gains vis-à-vis those of men. Like other statistics, they show dramatic variation by class and race. We start with college graduation rates, where women now outperform men. Break down these figures by race and income, however, and we see a different story: the gender gap on college campuses is in fact a class gap. Among families with incomes above \$70,000 per year, the percentage of males versus females attending college dropped from 51% in the mid-nineties to 48% in the late nineties, but then rose to 49% by 2003 and 2004.<sup>44</sup> Despite these slight variations, the number of men and women attending college from high-income families is almost the same. The more significant drop in male

---

*Compensation: A New View from a Long-Term Perspective, 1936-2005*, at 8 (Fed. Reserve Bd., Working Paper No. 2007-35, 2007), available at <http://www.federalreserve.gov/pubs/feds/2007/200735/200735pap.pdf> ("The gap between executives and workers expanded even further during the most recent 15 years, and by 2005 the median executive in our sample earned 110 times average worker earnings – about twice the corresponding ratio prior to World War II.").

<sup>39</sup> See *Women CEOs of the Fortune 1000*, CATALYST (Jan. 1, 2013), <http://www.catalyst.org/knowledge/women-ceos-fortune-1000>.

<sup>40</sup> THE WHITE HOUSE PROJECT, *THE WHITE HOUSE PROJECT REPORT: BENCHMARKING WOMEN'S LEADERSHIP 3* (2009), available at [http://thewhitehouseproject.org/wp-content/uploads/2012/03/benchmark\\_wom\\_leadership.pdf](http://thewhitehouseproject.org/wp-content/uploads/2012/03/benchmark_wom_leadership.pdf) (charting the proportion of women business leaders).

<sup>41</sup> AUD ET AL., *supra* note 14, at 259 tbl.A-38-1.

<sup>42</sup> *Id.*

<sup>43</sup> Women are awarded 60.2% of all associate degrees and 57.2% of all bachelor's degrees. *Id.*

<sup>44</sup> See Mary Beth Marklein, *College Gender Gap Widens: 57% Are Women*, USA TODAY (Oct. 19, 2005, 11:41 PM), [http://usatoday30.usatoday.com/news/education/2005-10-19-male-college-cover\\_x.htm](http://usatoday30.usatoday.com/news/education/2005-10-19-male-college-cover_x.htm) (showing male representation on college campuses by race and income using data compiled by the National Center for Education Statistics).

college attendance came in the middle-income ranks (\$30,000 to \$70,000), where the percentage of men attending college fell from 50% in the mid-nineties to 44% in 2003 and 2004.<sup>45</sup> Male college attendance in the low-income ranks also dropped significantly, from 44% to 40% in the same years.<sup>46</sup> Poor students struggle to afford college, and the gap between percentages of wealthy and poor students who graduate from college has increased over the past thirty years.<sup>47</sup> For African Americans, the percentage of men in the wealthiest group *increased* during the same period, reaching 48% in 2003 and 2004, only one percentage point below the white rate.<sup>48</sup> Elite Latinos showed patterns similar to whites.<sup>49</sup> Middle-income African Americans and Latinos, however, reported that only 42% of their college students were male in 2003 and 2004, and for the low-income students, only 36% of blacks and 39% of Latinos were male.<sup>50</sup> In other words, as the economy has weakened, the big drop off has been in the college attendance of low-income men. The men from elite families, whatever their race, are still going to college.

Let's turn now to the much-heralded change in the wage gap. In the 1970s and 1980s, the gendered wage gap narrowed because of increases in the income of highly skilled women.<sup>51</sup> Comparing 1990 with 2007, however, the figures diverge strikingly by education. Looking at gross figures – that is, the percentage of men's median income earned by women without controlling for any characteristic other than education – the wage gap over the last twenty years narrowed the most for the least educated women while the gap between men and women has *increased* for the most educated:

---

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> See, e.g., Jason DeParle, *For Poor, Leap to College Often Ends in a Hard Fall*, N.Y. TIMES, Dec. 22, 2012, at A1.

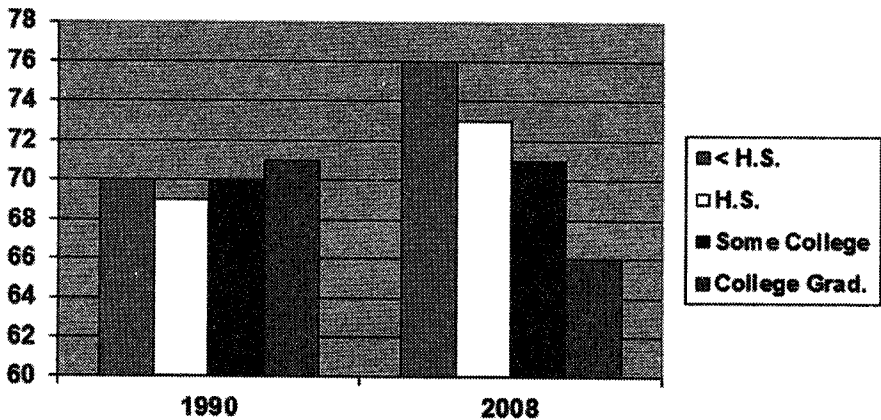
<sup>48</sup> Marklein, *supra* note 44.

<sup>49</sup> See *id.*

<sup>50</sup> *Id.*

<sup>51</sup> See Francine D. Blau & Lawrence M. Kahn, *The U.S. Gender Pay Gap in the 1990s: Slowing Convergence* 17 (Princeton Univ. Indus. Relations Section, Working Paper No. 508, 2006), available at <http://dataspace.princeton.edu/jspui/bitstream/88435/dsp01gb19f581g/1/508.pdf> (finding that wage gains for married women in the 1970s and 1980s tended to be greatest for women married to middle- and high-wage men, “who themselves tended to be more skilled”).

**Female Median Income as a Percentage of Male Median Income by Education<sup>52</sup>**



In 1990 the wage gap did not vary greatly by education, but to the extent it did, highly educated women earned a higher percentage of male income than less-educated women.<sup>53</sup> By 2008 the relationship between education and the wage gap changed direction, with the least educated women earning a much higher percentage of male income than the most educated.<sup>54</sup> The greatest gaps occurred among the most highly paid men and women.<sup>55</sup>

These developments do not necessarily imply discrimination against women. Some differences in compensation can be attributed to different courses of study, hours worked, or time spent out of the labor market.<sup>56</sup> What these statistics do *not* show is the “end of men” as Hanna Rosin describes it. Rather, these statistics highlight the persistence of the gendered wage gap at the top and continuing inequality among the most elite dual-earner families. The numbers also point to increasing economic inequality for men.

#### D. *The End of Blue-Collar Men*

If women have not gained as much ground at the top as overall figures on the economy show, they *have* gained in the middle and at the bottom. They

<sup>52</sup> *Median Annual Income, by Level of Education, 1990-2009*, INFOPLEASE, <http://www.infoplease.com/ipa/A0883617.html#ixzz1JFxpOxL9> (last visited Mar. 12, 2013).

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> Blau & Kahn, *supra* note 51, at 23 (showing that the wage gap has increased the most at the ninetieth percentile and above and that the increase holds even after controlling for other factors such as education or type of job).

<sup>56</sup> See, e.g., Marianne Bertrand et al., *Dynamics of the Gender Gap for Young Professionals in the Financial and Corporate Sectors 3-4* (Nat'l Bureau of Econ. Research, Working Paper No. 14681, 2008), available at <http://www.nber.org/papers/w14681.pdf>.

have done so in large part because blue-collar men have lost out. Males who did not finish college have been the biggest losers in the modern economy.

Between 1980 and the mid-2000s, the only men whose earnings increased in real dollar terms were college graduates.<sup>57</sup> All other men lost ground. By the end of the 1990s, less-educated men's income had fallen well below what they had earned in real dollar terms in 1970.<sup>58</sup> At the same time, every group of women except for high school dropouts saw their income increase.<sup>59</sup> Families further down the socio-economic ladder accordingly became much more dependent on women's income to maintain the same standard of living.<sup>60</sup>

Exacerbating the loss of blue-collar-male status was a change in employment stability. The length of time the average man or woman stays in a particular job has diminished substantially over the last thirty years, but the impact has been substantially greater for the working class.<sup>61</sup> In the 1970s differences in job stability did not vary much by education.<sup>62</sup> After 2000 the job instability figures for the most educated remained about the same as the figures for the 1970s.<sup>63</sup> But they increased by one-third for all other males.<sup>64</sup>

The disappearance of "good jobs" with decent pay, increasing benefits over time, and employment stability has had a significant impact on blue-collar men. At the height of the Great Compression, the period of relative income equality between 1945 and the mid-1970s, male work time did not vary much by class; today, it does.<sup>65</sup> Charles Murray documents the changes in employment since 1960 in a prototypical white upper-class community (Belmont) and a prototypical white working-class town (Fishtown).<sup>66</sup> In the

---

<sup>57</sup> PAUL TAYLOR ET AL., PEW RESEARCH CTR., WOMEN, MEN AND THE NEW ECONOMICS OF MARRIAGE 8 (2010), available at <http://pewsocialtrends.org/files/2010/11/new-economics-of-marriage.pdf>.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> Even so, the less education a woman has, the lower the percentage of total family income the woman is likely to contribute. *Id.* at 16. In addition, the less education a woman has, the less likely she is to be in the labor market. McLanahan, *supra* note 6, at 611. When looking at a husband's education, however, the figures even out, with college-educated men being the least likely to have a working spouse. TAYLOR ET AL., *supra* note 57, at 16.

<sup>61</sup> See Henry Farber, *Is the Company Man an Anachronism? Trends in Long Term Employment in the U.S., 1973-2006* (Princeton Univ. Indus. Relations Section, Working Paper No. 518, 2007), available at <http://arks.princeton.edu/ark:/88435/dsp01ft848q61h> (discussing changes in employment stability).

<sup>62</sup> ARNE L. KALLEBERG, GOOD JOBS, BAD JOBS: THE RISE OF POLARIZED AND PRECARIOUS EMPLOYMENT SYSTEMS IN THE UNITED STATES, 1970s-2000s, at 94 (2011).

<sup>63</sup> *Id.*

<sup>64</sup> *See id.*

<sup>65</sup> Jerry A. Jacobs & Kathleen Gerson, *Who Are the Overworked Americans?*, 56 REV. SOC. ECON. 442, 457 (1998).

<sup>66</sup> CHARLES MURRAY, COMING APART: THE STATE OF WHITE AMERICA, 1960-2010, at 144-45, 175-76 (2012).

middle of the twentieth century, the number of men who worked less than forty hours per week was low – about 10% in Fishtown, the working-class community, and about 8% in Belmont, the more affluent community.<sup>67</sup> By 2010 the percentage of men working less than forty hours per week had doubled in Fishtown to 20% while rising more modestly to about 12% in Belmont.<sup>68</sup> The increase in unemployment and underemployment is higher still in African American communities and has been this way since at least the 1960s, when good blue-collar jobs began to disappear.<sup>69</sup>

The employment figures alone do not capture the impact on working-class communities. Richard Wilkinson and Kate Pickett suggest that greater inequality itself makes matters worse.<sup>70</sup> Wilkinson and Pickett present a cross-cultural study that examines the impact of greater inequality across different countries and different states in the United States.<sup>71</sup> Their 2009 study found that income inequality had a greater impact on societies than poverty rates and that greater inequality lowered levels of trust, educational achievement, and social mobility and increased rates of mental illness (including substance abuse), obesity, teenage births, homicides, and imprisonment.<sup>72</sup> Greater inequality has had a disproportionate impact on the lives of low- and middle-income men, and this inequality, rather than women's gains, may account for much of the "end of men."

## II. THE FAMILY

The second and much more complicated feature of the "end of men" has been its impact on the family. Women have indubitably gained power in family matters and perhaps the most important component of their increased power is the ability to leave unhappy relationships.<sup>73</sup> Women's greater economic independence means they no longer need to rely on a breadwinning male to provide financial support, and divorce reform streamlined the ease of breakups, reinforcing equal parenting and economic sharing.<sup>74</sup> The result has increased women's influence inside and outside of relationships. Economists Betsey Stevenson and Justin Wolfers report, for example, that divorce reform is

---

<sup>67</sup> *Id.* at 176.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.* at 273.

<sup>70</sup> RICHARD WILKINSON & KATE PICKETT, *THE SPIRIT LEVEL: WHY GREATER EQUALITY MAKES SOCIETIES STRONGER* 18 (2011).

<sup>71</sup> *Id.* at 19.

<sup>72</sup> *Id.*

<sup>73</sup> See SUSAN MOLLER OKIN, *JUSTICE, GENDER, AND THE FAMILY* 168 (1989) (discussing the importance of the ability to exit relationships).

<sup>74</sup> On the role of the law in supporting women's equality and a new family model, see JUNE CARBONE & NAOMI CAHN, *FAMILY CLASSES* (forthcoming 2013).

associated with a thirty-percent decline in domestic violence and a significant drop in women's suicide rates.<sup>75</sup>

While the gain in women's ability to make it on their own is substantial, women's ability to enter into relationships of their choosing is far more mixed. In an influential 1983 book, sociologists Marcia Guttentag and Paul Secord explored the relationship between what they termed "structural" or societal power and "dyadic" power, the power to choose relationships.<sup>76</sup> Ordinarily, the ratio of men to women determines dyadic power. If men outnumber women in a community, for example, the women would gain greater ability to determine the terms of relationships.<sup>77</sup> But women's ability to do so might depend on the power they hold within society. In nineteenth-century United States, male Chinese immigrants outnumbered females twenty to one at a time when states forbade interracial marriages.<sup>78</sup> The few Chinese women in the country, if able to fend for themselves, could have had their choice of suitors. Yet these women, who were immensely valuable to those who controlled sexual access to them, had very little individual power.<sup>79</sup> They were often forced into prostitution and forbidden to marry.<sup>80</sup> Their lack of societal power meant that these women could not realize the benefits of their increased intimate or "dyadic" power.<sup>81</sup>

In the United States today, the relationship between structural power and dyadic power varies by class. At the top, high-income men have increased their structural power while still outnumbering high-income women.<sup>82</sup> At the bottom, marriageable women substantially outnumber marriageable men, a trend that began with the disappearance of good blue-collar jobs.<sup>83</sup> Hanna Rosin's stories are most persuasive in describing the change in the relationship between men and women in the middle. She describes women in a small town in Alabama who keep their families afloat after the town's principal employer closes the factory that once employed a sizeable percentage of the town's men.<sup>84</sup> What she does not say is that this is one of the groups that has seen the greatest increase in divorce rates.<sup>85</sup> She also describes younger couples in a

---

<sup>75</sup> Betsey Stevenson & Justin Wolfers, *Bargaining in the Shadow of the Law: Divorce Laws and Family Distress*, 121 Q.J. ECON. 267, 269-70 (2006).

<sup>76</sup> GUTTENTAG & SECORD, *supra* note 1, at 24-27.

<sup>77</sup> *Id.*

<sup>78</sup> *Id.* at 29.

<sup>79</sup> *Id.*

<sup>80</sup> *Id.* at 29-30.

<sup>81</sup> *Id.*

<sup>82</sup> See discussion *supra* Part I.B.

<sup>83</sup> See discussion *infra* Part II.B.

<sup>84</sup> HANNA ROSIN, *THE END OF MEN: AND THE RISE OF WOMEN* 79 (2012).

<sup>85</sup> Liana C. Sayer et al., *She Left, He Left: How Employment and Satisfaction Affect Women's and Men's Decisions to Leave Marriages*, 116 AM. J. SOC. 1982, 1985 (2011).

coastal Virginia community.<sup>86</sup> The women are the go-getters and the men are the slackers.<sup>87</sup> Young couples have children without marrying, most often because the mothers see little point in tying their family's well-being too closely to unreliable men.<sup>88</sup> Rosin opens one of the chapters with a description of Calvin and Bethany, who have a child together. Marriage is not part of the picture. Bethany explains, "But Calvin would just mean one less granola bar for the two of us."<sup>89</sup> In these communities women have gained in influence while the men's income and status have fallen.

If we treat the search for the right mate as a market, women at the top have gained the most in terms of the changes in supply and demand. While the supply of elite men has remained stable, the demand for women with high income and education has increased. In another era, the most educated women were less likely to marry than the average woman.<sup>90</sup> Today those with the most education and the highest incomes are the most likely to be married and to be part of a stable relationship that includes two incomes and flexible gender roles.<sup>91</sup> In contrast, marriage is rapidly disappearing for those further down the socio-economic ladder, in large part because the women have outpaced the men.<sup>92</sup> While Rosin paints a cheery picture of single mothers preferring to make it on their own, their children are falling further behind the children in two-parent families whose combined resources offer greater advantages.<sup>93</sup> The class-based changes in family structure reinforce class-based inequality. Write off a high percentage of men as effectively unmarriageable, and women tend to give up on men – and marriage – more generally.<sup>94</sup> The result may or may not be "the end of blue-collar men," but it is definitely the recreation of class.

#### A. *Remade Marriages at the Top: The True Feminist Triumph*

In the United States today, marriage and dating markets increasingly reflect class. We have argued elsewhere that the college-educated middle class has adopted a new family strategy: invest in both men and women's earning power and delay marriage until the point of emotional maturity and financial independence.<sup>95</sup> Both the delay in marriage and the increase in women's earning capacity have made it more likely that the well-off will marry each

---

<sup>86</sup> ROSIN, *supra* note 84, at 1-2.

<sup>87</sup> *Id.* at 2-3.

<sup>88</sup> *Id.*

<sup>89</sup> *Id.* at 2.

<sup>90</sup> CAHN & CARBONE, *supra* note 2, at 119.

<sup>91</sup> See *infra* notes 105-08 and accompanying text.

<sup>92</sup> Carbone & Cahn, *supra* note 7.

<sup>93</sup> See *id.*

<sup>94</sup> *Id.*

<sup>95</sup> CAHN & CARBONE, *supra* note 2, at 39.

other.<sup>96</sup> UCLA researchers specifically tested the effect of age on marriage and found that the likelihood that similarly educated adults will marry each other increases with later marriage.<sup>97</sup>

In a more recent study, Christine Schwartz observed that “[a]s women’s labor force participation has grown, men may have begun to compete for high-earning women just as women have traditionally competed for high-earning men.”<sup>98</sup> She notes that as men and women both look for high-earning mates, couples become more likely to marry others with similar earning power.<sup>99</sup> “[M]en are increasingly looking for partners who will ‘pull their own weight’ economically in marriage.”<sup>100</sup> She shows further that the greatest changes occurred at the top; that is, the wives of the men with the greatest earnings showed the largest gains in overall income.<sup>101</sup> This is partly because high-earning men have become more likely to marry high-earning women and partly because the women have become less likely to drop out of the labor market after marriage.<sup>102</sup> In today’s competitive world, high-earning men feel they need high-earning partners to afford the good life in cities like New York, San Francisco, Chicago, or Washington, D.C.<sup>103</sup>

Completing the picture is a study from the Hamilton Project.<sup>104</sup> The study shows that marriage rates have decreased for almost everyone – except the women at the highest income levels.<sup>105</sup> The chart showing the change is stunning. For all men between the ages of thirty and fifty, the percentage married has declined.<sup>106</sup> Even at the top, where income levels have increased substantially, the percentage of married men has fallen, albeit less than for

---

<sup>96</sup> See, e.g., Valerie Kincade Oppenheimer, *A Theory of Marriage Timing*, 94 AM. J. SOC. 563 (1988) (arguing that women’s increased labor market participation has increased the importance of finding not just partners who are mutually attractive, but partners with compatible career paths).

<sup>97</sup> Schwartz & Mare, *supra* note 4, at 621; cf. Vivian E. Hamilton, *The Age of Marital Capacity: Reconsidering Civil Recognition of Adolescent Marriage*, 92 B.U. L. REV. 1817, 1820 (2012) (“Early marriers are more likely than those who delay marriage to discontinue their formal educations prematurely, earn low wages, and live in poverty”).

<sup>98</sup> Schwartz, *supra* note 5, at 1526.

<sup>99</sup> *Id.* at 1526-27.

<sup>100</sup> *Id.* at 1527.

<sup>101</sup> *Id.*

<sup>102</sup> *Id.* at 1528.

<sup>103</sup> Steve Sailer, *Value Voters*, AM. CONSERVATIVE (Feb. 11, 2008), <http://www.theamericancanconservative.com/articles/value-voters/>.

<sup>104</sup> See Michael Greenstone & Adam Looney, *The Marriage Gap: The Impact of Economic and Technological Change on Marriage Rates*, BROOKINGS (Feb. 3, 2012, 9:04 AM), <http://www.brookings.edu/blogs/jobs/posts/2012/02/03-jobs-greenstone-looney>.

<sup>105</sup> *Id.*

<sup>106</sup> *Id.*



other men.<sup>107</sup> For women in the top five percent of the income distribution, however, the percentage between the ages of thirty and fifty who are married has *increased* by more than ten percent while declining for every other group.<sup>108</sup> High-earning (and presumably high-powered) women used to be a turnoff; now they are the prime catches in the marriage market. And because of competition within this narrow market, they are in the strongest of positions to “put a ring on it.”

These figures bear out Guttentag and Secord’s prediction that as the ratio of men to women increases, so do women’s marriage rates.<sup>109</sup> As we indicated above, the gendered wage gap for college graduates has grown, and as it has, the number of high-income men continues to outnumber the number of high-income women, particularly among whites. This group has held the line on nonmarital births, seen its divorce rates fall, and seen the likelihood that a fourteen-year-old will be living with both biological parents increase.<sup>110</sup> Moreover, the group as a whole reports high rates of marital happiness and satisfaction.<sup>111</sup> Paul Amato and his colleagues conclude that “[e]conomic security combined with gender equality appears to be a good recipe for ensuring marital success.”<sup>112</sup> The highly sought-after women with high incomes may not have gained as much as the men in elite corporate boardrooms, but they have gained the most power of any group in setting the terms of continuing access to the bedroom.

The power these women have, however, is the very traditional power of attractive women to gain a good match. It is not a *feminist* triumph. It has not dismantled traditional notions of gender so much as made it possible to realize a modern version of them; one where both partners work and trade off childcare obligations, but the husband retains income and status at least equal to his wife’s. The relationships that truly dismantle gender remain rare and relatively fragile.<sup>113</sup> The gendered identity, and the performance of the man as breadwinner, remains a contributing factor to unequal family roles.

---

<sup>107</sup> In 1970, 95% of men between the ages of thirty and fifty in the top 10% of annual earnings were married, compared to 83% today. *Id.* By contrast, for the median male worker, 91% were married in 1970, compared to 64% today. *Id.* In the bottom twenty-fifth percentile of earnings, 86% of men were married in 1970, compared to 50% today. *Id.*

<sup>108</sup> *Id.*

<sup>109</sup> See GUTTENTAG & SECORD, *supra* note 1, at 186.

<sup>110</sup> McLanahan, *supra* note 6, at 608.

<sup>111</sup> See MURRAY, *supra* note 66, at 157.

<sup>112</sup> PAUL R. AMATO ET AL., *ALONE TOGETHER: HOW MARRIAGE IN AMERICA IS CHANGING* 232 (2007).

<sup>113</sup> See MARIANNE BERTRAND ET AL., *GENDER IDENTITY AND RELATIVE INCOME WITHIN HOUSEHOLDS 2-4* (2012), available at <http://faculty.chicagobooth.edu/emir.kamenica/documents/identity.pdf> (finding that couples in which “the wife earns more than her husband report being less happy, report greater strife in their marriage, and are ultimately more likely to get a divorce”).

B. *The Disappearance of Marriage at the Bottom: Gender Distrust Magnified*

Rosin's description of the women going it alone – rejecting marriage to the fathers of their children even if the men are willing – is a story of tough, competent women taking charge of their own lives.<sup>114</sup> Rosin's story is also one of male failure, of the men who will never be able to “drive up in a Chevy and take [their] rightful place at the head of the table.”<sup>115</sup> The combination of the two, however, does not typically end with an adjustment of male and female roles into more flexible family arrangements. The number of male full-time homemakers is still tiny.<sup>116</sup> Studies further indicate that as women earn more money, they do less housework, but only until the point where they contribute fifty-one percent of the family income – then they do more, perhaps to shore up their husbands' fragile egos.<sup>117</sup> The statisticians tell us that the husband's loss of a high-paying job accompanied by the homemaker mom's entry into the workplace to compensate is a prescription for divorce rather than the transformation of men into “mediocre house dude[s].”<sup>118</sup> We have seen this story before, and in the end, it becomes a story of gender distrust rather than remade terms for companionship.<sup>119</sup>

In these terms, the most dramatic story in the United States is the story of the African American working class. Rosin does not mention Daniel Patrick Moynihan, whose famous report on the black family touched off a firestorm in 1965.<sup>120</sup> She does, however, repeat his claim that poor inner-city communities

<sup>114</sup> ROSIN, *supra* note 84, at 2 (describing a single mother as “queen of her castle”).

<sup>115</sup> *Id.* at 3.

<sup>116</sup> See Caroline Esser, *Website Says Stay-at-Home Moms are Worth \$100,000 – But Misses the Big Picture*, SLATE (Feb. 6, 2012, 1:48 PM), [http://www.slate.com/blogs/xx\\_factor/2012/02/06/mint\\_estimate\\_of\\_how\\_much\\_stay\\_at\\_home\\_moms\\_and\\_homemakers\\_should\\_earn\\_in\\_salary\\_.html](http://www.slate.com/blogs/xx_factor/2012/02/06/mint_estimate_of_how_much_stay_at_home_moms_and_homemakers_should_earn_in_salary_.html) (estimating that only 3.3% of married families have a stay-at-home father).

<sup>117</sup> See, e.g., Daniel Schneider, *Market Earnings and Household Work: New Tests of Gender Performance Theory*, 73 J. MARRIAGE & FAM. 845 (2011).

<sup>118</sup> ROSIN, *supra* note 84, at 71.

<sup>119</sup> Tony Dokoupil, *Men Will Be Men*, NEWSWEEK (Feb. 20, 2009, 7:00 PM), <http://www.newsweek.com/2009/02/20/men-will-be-men.html>. *Newsweek* reported that the American Time Use Survey showed that “laid-off men tend to do less – not more – housework, eating up their extra hours snacking, sleeping and channel surfing (which might be why the Cartoon Network, whose audience has grown by 10 percent during the downturn, is now running more ads for refrigerator repair school).” *Id.* According to the same study, unemployed women spend twice as much time taking care of children and doing chores as men. *Id.* Unemployed men are also right behind alcoholics and drug addicts as the group most likely to beat their female partners. *Id.* This is consistent with the gender identity hypothesis of what happens when women out-earn their husbands. See *supra* note 113 and accompanying text.

<sup>120</sup> DANIEL PATRICK MOYNIHAN, OFFICE OF POLICY PLANNING & RESEARCH, U.S. DEP'T OF LABOR, *THE NEGRO FAMILY: THE CASE FOR NATIONAL ACTION* (1965).

have become "matriarchies, with women making all the decisions and dictating what the men should and should not do."<sup>121</sup> We agree with Rosin that women's power in society has increased along with their income. Even the poorest women have seen an increase in income over the last thirty years compared to the men in their lives.<sup>122</sup> And women are more independent, with greater ability to have children on their own and manage their own lives.<sup>123</sup> This greater independence and societal power does give women greater ability to refuse to enter into or stay in relationships. It does not, however, necessarily translate into the ability to dictate "what the men should and should not do" within relationships.

Again, Guttentag and Secord provide an alternative perspective. They argue that, given a particular level of societal power, gender ratios have a critical impact on the terms of relationships, and when the number of attractive men declines, the ability of women to enter into relationships on terms of their choosing also declines.<sup>124</sup> To the extent men can easily enter into relationships with other women, women's increased independence means more singles, not better – or at least more amenable – male behavior.<sup>125</sup> Guttentag and Secord examined, for example, the impact of sex ratios on African American family patterns as a key chapter in their book.<sup>126</sup> They looked at a variety of studies, including one that linked family patterns to male availability, and found that single-parent families comprised 2.9% of African American families in North Dakota (where the sex ratio was 160) and 33% of African American families in New York (where the sex ratio was 86).<sup>127</sup> They concluded that:

[I]t is clear that the stability of black families has nothing to do with matriarchy or with any other social/cultural properties distinctive to blacks. Instead, it is a function of the sex ratio and of economic factors. In high sex ratio states where black men are abundant and black women relatively scarce, family stability is marked. Under these circumstances, black men make a long-term parental investment in their children, and illegitimate births, divorce and separation, and single-parent families headed by women are relatively low.<sup>128</sup>

The studies on which Guttentag and Secord relied in the 1980s were limited. Since then more sophisticated research has found that the number of employed men has a more statistically significant effect than aggregate sex ratios. The employment figures also explained more of the racial differences in marriage

---

<sup>121</sup> ROSIN, *supra* note 84, at 92.

<sup>122</sup> TAYLOR ET AL., *supra* note 57, at 8.

<sup>123</sup> See ROSIN, *supra* note 84, at 92.

<sup>124</sup> GUTTENTAG & SECORD, *supra* note 1, at 221.

<sup>125</sup> *Id.*

<sup>126</sup> See *id.* at 199-230.

<sup>127</sup> *Id.* at 221.

<sup>128</sup> *Id.*

patterns than welfare availability or women's employment, which had a positive effect on marriage rates at the margin.<sup>129</sup> In other words, women's independence, through greater employment, did not depress marriage rates. What did was the unavailability of "good" men.

The Fragile Families Project has looked at the effect of mate availability on both the transition to marriage and relationship quality outside of marriage.<sup>130</sup> The Project studies unmarried women at the time they give birth and tracks the progress of their relationship with the child's father afterward. The majority of the women in these studies have a relationship with the father at the time of the birth and many of the couples hope to marry eventually, although the majority will break up without doing so.<sup>131</sup> In 2004 Kristin Harknett and Sara McLanahan concluded that their "most striking finding" was that the "supply of alternative partners" has "a large influence on the parents' decision whether to marry after a nonmarital birth."<sup>132</sup> In addition, given the significant shortage of African American men relative to the availability of men of other races, it also explained a large part of the racial differences in marriage rates.<sup>133</sup> Indeed, the supply of alternative partners was a more powerful predictor of the likelihood of marriage than individual factors such as attitudes toward marriage or gender roles.<sup>134</sup> In addition, higher sex ratios correlate not just with marriage, but with relationship quality among cohabiting couples, measured by factors such as the degree of conflict, paternal support for the mother and involvement with the children, and the likelihood that the man had fathered additional children with other women.<sup>135</sup>

The change in the ratio of marriageable men to marriageable women does not just depress the marriage rates of the unemployed. It is a rippling effect that affects the norms for everyone in a given relationship market. As the number of black men whom black women were willing to marry declined in poor communities, for example, the more desirable men found that they could play the field.<sup>136</sup> They did not need to commit to a relationship to gain sexual access to a woman or to have children with her. The more attractive the man to a particular woman, often because of higher income or better employment

---

<sup>129</sup> Daniel T. Lichter et al., *Race and the Retreat from Marriage: A Shortage of Marriageable Men?*, 57 AM. SOC. REV. 781, 796 (1992); see also Kristen Harknett & Sara S. McLanahan, *Racial and Ethnic Differences in Marriage After the Birth of a Child*, 69 AM. SOC. REV. 790, 792 (2004).

<sup>130</sup> Harknett & McLanahan, *supra* note 129, at 806-08.

<sup>131</sup> *Id.*

<sup>132</sup> *Id.* at 807-08.

<sup>133</sup> *Id.*

<sup>134</sup> *Id.* at 808.

<sup>135</sup> Kristen Harknett & Arielle Kuperberg, *Education, Labor Markets and the Retreat from Marriage*, 90 SOC. FORCES 41 (2011).

<sup>136</sup> RALPH RICHARD BANKS, IS MARRIAGE FOR WHITE PEOPLE?: HOW THE AFRICAN AMERICAN MARRIAGE DECLINE AFFECTS EVERYONE 33-38 (2011).

prospects, the greater his negotiating power.<sup>137</sup> And the fewer similar alternatives the woman had, the more “attractive” the employed man became.<sup>138</sup> So if greater unemployment reduces the number of men whom women regard as worthy partners, then employed men gain a greater advantage as the unemployment rate rises. And, as Rick Banks has acknowledged,<sup>139</sup> the ratio between African American men and women with college degrees is lower than the ratio for high school graduates,<sup>140</sup> increasing the bargaining power of male college graduates even more than that of high school graduates. The result is not an inevitable product of race or class differences. Instead, it is the product of a change in the terms on which relationships are available, depressing the attractiveness of committed relationships and exacerbating gender distrust.

This analysis draws sharp distinctions between women’s societal power and independence versus women’s control of the relationships available to them. Studies of marriage indicate that both women at the top and the bottom of society are more independent than they once were. Indeed, in an absolute sense, wealthier women have greater ability than poor women to forgo marriage and raise children on their own. Nonetheless, the women with the highest socioeconomic status also have the ability to participate in relationship markets where the supply of attractive men exceeds the supply of women. Given the choice, they choose to marry, and to marry men with relatively egalitarian attitudes about gender.<sup>141</sup> Poorer women, in contrast, face a declining supply of attractive men, which increases the ability of the successful men in their communities to enjoy access to multiple women without commitment. At the same time, the decline in eligible partners also increases the ability of less successful men to enter into relationships with fewer contributions to the family’s wellbeing. The women in these communities exercise their greater societal power and independence to forgo committed relationships altogether. Their power within relationships, however, has fallen; they enjoy less, not more, power to dictate what the men “should and should not do.” If women had such power, they would be forcing the men to clean up their act, stay sober, and stay employed.

### C. *The Fate of the Middle: The Remade Terms of Family Life*

Growing inequality in American society – and the disappearance of “good jobs” for blue-collar men – suggests that the middle of the socio-economic

---

<sup>137</sup> *Id.*

<sup>138</sup> *Id.*

<sup>139</sup> *Id.* at 38 (noting that twice as many African American women as men graduate from college).

<sup>140</sup> Forty-six percent of African American boys graduated from high school compared to sixty-nine percent of girls. See Sterling C. Lloyd, *Gender Gap in Graduation*, EDUC. WEEK (July 6, 2007), <http://www.edweek.org/rc/articles/2007/07/05/sow0705.h26.html>.

<sup>141</sup> AMATO ET AL., *supra* note 112, at 31.

spectrum will increasingly resemble the bottom in terms of the ability of women to manage satisfying relationships. Indeed, Rosin reports that “[b]y nearly every important social measure, Middle America is starting to look like high school-dropout America.”<sup>142</sup> As we mentioned above, divorce rates for high school graduates resemble those of high school dropouts, while the divorce rates of college graduates have plummeted.<sup>143</sup> Nonmarital birth rates for the less educated have skyrocketed while remaining steady at two percent for white college graduates.<sup>144</sup> And as Guttentag and Secord would predict, as the percentage of employed men on the marriage market shrinks, norms shift away from committed relationships.

When asked whether “marriage has not worked out for the people they know,” only 17% of college graduates agreed, compared with 40% of those with only high school diplomas and more than half of high school dropouts.<sup>145</sup> Correspondingly, the percentage of women between the ages of twenty-five and forty-four who report having had three or more sex partners over their lifetimes has also changed, reflecting the instability of relationships for the non-college educated. It was about the same, ranging from 57% to 62%, for all educational groups in 1995.<sup>146</sup> Since then the number has declined to 57% for the most educated and risen to 70% for those in the middle.<sup>147</sup>

While the studies of the white working class are not as detailed as the studies of poor minority communities, those studies that do exist refer to the same factors Rosin describes: the disappearance of stable male employment that pays a family wage and women’s increased workforce participation.<sup>148</sup> These accounts are not nearly as triumphal about the role of women. They describe women struggling to hang onto family-unfriendly positions when they would prefer to be home with their children.<sup>149</sup> They describe laid-off men who do not pick up the slack at home, but engage in much greater rates of substance abuse and violence. And they describe children falling further behind their upper-class peers.

Paul Amato and his colleagues provide one of the best accounts. Like Rosin, they examine the impact of women’s greater workforce participation, focusing in particular on married couples. For most, the results are sanguine: women’s employment increases family financial security without disrupting marital

---

<sup>142</sup> ROSIN, *supra* note 84, at 94.

<sup>143</sup> *Id.* at 94-95; *see also* McLanahan, *supra* note 6, at 608.

<sup>144</sup> NAT’L MARRIAGE PROJECT, WHEN MARRIAGE DISAPPEARS: THE NEW MIDDLE AMERICA 56 (W. Bradford Wilcox et al. eds., 2010).

<sup>145</sup> *Id.* at 40.

<sup>146</sup> *Id.* at 32.

<sup>147</sup> *Id.*

<sup>148</sup> *See, e.g.*, AMATO ET AL., *supra* note 112, at 100-03 (describing how labor-force participation has been increasing for women and decreasing for men).

<sup>149</sup> *Id.* at 119.

stability.<sup>150</sup> Nonetheless, the researchers found two distinct groups among working women. The first group was career women.<sup>151</sup> These women fit Rosin's model well. They expected to be in the labor market, held high-paying, satisfying jobs, and associated employment with feelings of accomplishment.<sup>152</sup> The second group of working wives, however, had entered the labor market to make ends meet. They were more likely to be married to working-class men, whose income had stagnated or whose job instability had increased.<sup>153</sup> These women were much more likely to experience low job satisfaction, feel that the jobs interfered with their home life, and prefer to work fewer hours.<sup>154</sup> The working-class women were also less likely to work in flexible positions or to be able to afford additional domestic help.<sup>155</sup> For these women, their husbands' diminished prospects decreased their overall happiness, even if the additional income made them more independent.

These accounts are consistent with Rosin's. The men suffer losses and can't cope. The women, who now have the independence to kick the disappointing blokes out of the house, manage as best they can. These women, however, are scraping by rather than thriving. And if the trends Rosin identifies persist, the women will face diminished opportunities for new relationships. Passive underperforming men are one thing; alcoholic, abusive, unfaithful, and unreliable men are another. Guttentag and Secord suggest that as the number of marriageable men declines, women may gain greater independence, but not greater commitment.<sup>156</sup>

\* \* \*

Very little in these accounts is a portrait of "matriarchy." Consider that, looking at aggregate statistics, women who out-earn their husbands actually do more housework, that marriage rates decline in a marriage market when women become more likely to out-earn men, that marriages where women out-earn men are more likely to result in divorce, and that, if the wife is capable of earning more than her husband, then she is actually less likely to participate in the labor force.<sup>157</sup> At the top, women have greater ability to enter into dual-earner marriages, in part because they can still find men who out-earn them, and in part because the better educated have the resources to manage career tradeoffs. At the bottom – and increasingly in the middle – women are going it alone rather than remaining shackled to a patriarchal mate who cannot perform

---

<sup>150</sup> *Id.* at 129.

<sup>151</sup> *Id.* at 123.

<sup>152</sup> *Id.*

<sup>153</sup> *Id.*

<sup>154</sup> *Id.*

<sup>155</sup> *Id.* at 123-24.

<sup>156</sup> GUTTENTAG & SECORD, *supra* note 1, at 182.

<sup>157</sup> BERTRAND ET AL., *supra* note 113, at 2-4.

as the breadwinner. In neither case, however, are the women calling the shots, and they are certainly not creating a society on women's terms.

### III. RECONSTRUCTING COMMUNITY

Rosin's account ends with more women finding ways into the corner office and the slacker dude with whom she opened the book applying to nursing school.<sup>158</sup> In her article in *The Atlantic*, Rosin writes, "a new kind of alpha female has appeared, stirring up anxiety and, occasionally, fear. . . . In fact, the more women dominate, the more they behave, fittingly, like the dominant sex."<sup>159</sup> We suspect, however, that if women were in fact to gain greater societal power, they would want more than individual success or more supportive domestic partners. We believe that what they would want is a more equal society. Wary of the traps of essentialization, we nonetheless note that while some women certainly want money and power and others want independence, women as a group are more likely than men as a group to prefer healthier and more egalitarian communities.

In this account we have emphasized the relationship between the growth of class-based inequality, greater income variance among men, and the so-called "rise of women." The rise in power of the overwhelmingly male one percent has set the terms for women's rise, and we suspect on terms women might not choose if they enjoyed greater political and societal power.<sup>160</sup>

In the United States, increased inequality has come with a much greater emphasis on values that the majority of women do not share, such as hierarchy, lesser support for government generally, and, in particular, for regulations that promote health, safety, and social welfare. An agenda that truly reflected the rise of women – and the views of a majority of the women in the electorate – would accordingly start with a more equal and just society.

Consider women's political loyalties. If only women voted, Democrats would run the country and President Obama would have won re-election in a landslide. Women are significantly more likely to be Democrats than men (53% to 42%), a gender gap that dates back to at least 1990.<sup>161</sup> For more than a

---

<sup>158</sup> ROSIN, *supra* note 84, at 262.

<sup>159</sup> Hanna Rosin, *The End of Men*, ATLANTIC, July/Aug. 2010, at 71.

<sup>160</sup> Rosin suggests that a world in which women dominated might not, in fact, be more "tender." ROSIN, *supra* note 84, at 16. She may be right. See Lisa Belkin, *Marissa Mayer's Work-from-Home Ban Is the Exact Opposite of What CEOs Should Be Doing*, HUFFINGTON POST (Feb. 23, 2013, 4:16 PM), [http://www.huffingtonpost.com/lisa-belkin/marissa-mayer-work-from-home-yahoo-rule\\_b\\_2750256.html](http://www.huffingtonpost.com/lisa-belkin/marissa-mayer-work-from-home-yahoo-rule_b_2750256.html). Nonetheless, we hope that the values currently held by a majority of women become more prominent. Certainly, part of the difference in values reflects the fact that there are a lot more struggling single mothers and a lot fewer female CEOs.

<sup>161</sup> *The Gender Gap: Three Decades Old, as Wide as Ever*, PEW RESEARCH CENTER (Mar. 29, 2012), <http://www.people-press.org/2012/03/29/the-gender-gap-three-decades-old-as-wide-as-ever/>.



decade, women have had a more favorable view of government action than men (45% to 36% in 2011).<sup>162</sup> Recent surveys find that higher percentages of women than men support greater government assistance for the poor (61% to 52%), children (62% to 52%), and the elderly (65% to 54%).<sup>163</sup> Women also favored stronger government regulation of food production and packaging (61% to 45%), workplace safety and health (by thirteen points), and environmental protection (by nine points).<sup>164</sup>

Political scientists indicate that, in fact, women's worldviews differ substantially from men's. Men, for example, are likely to justify the existing system and to embrace a social dominance orientation that supports competition and hierarchy.<sup>165</sup> Women, in contrast, tend to have more egalitarian attitudes and an agenda that would cut defense spending, increase taxes, provide more for the bottom, and strengthen communities and families.<sup>166</sup>

Instead of these egalitarian views, contemporary politics reflects the rise of the hierarchical values of the one percent and the increasing political dominance of "angry white guys."<sup>167</sup> The ensuing policies, which block further economic equality for women and blue-collar men,<sup>168</sup> in turn increase women's dependence on access to male income at the top and marginalize the women in the middle and the bottom who are making it on their own. The major threat to working-class men is other men. Middle-class women have lost ground vis-à-vis more powerful men in terms of having their interests heard; they have not gained in their ability to secure resources for their children or fashion family-flexible work environments. Indeed, the lack of paid family leave and related

---

<sup>162</sup> *Id.*

<sup>163</sup> *Id.*

<sup>164</sup> *Id.*

<sup>165</sup> See, e.g., Michael T. Schmitt & James H. Wirth, *Evidence That Gender Differences in Social Dominance Orientation Result from Gendered Self-Stereotyping and Group-Interested Responses to Patriarchy*, 33 PSYCHOL. WOMEN Q. 429, 429 (2009).

<sup>166</sup> See Felicia Pratto et al., *The Gender Gap: Differences in Political Attitudes & Social Dominance Orientation*, 36 BRIT. J. SOC. PSYCHOL. 49 (1997) (discussing political differences between men and women).

<sup>167</sup> Dante Atkins, *'We're Not Generating Enough Angry White Guys,'* DAILY KOS (Sept. 2, 2012, 6:45 PM), <http://www.dailykos.com/story/2012/09/02/1125989/--We-re-not-genera-ting-enough-angry-white-guys> (quoting Sen. Lindsay Graham).

<sup>168</sup> See, e.g., *Next Battle in the War on Women: Paycheck Fairness*, THINKPROGRESS (May 24, 2012, 5:56 PM), <http://thinkprogress.org/progress-report/next-battle-in-the-war-on-women-paycheck-fairness/>. In June 2012 all Senate Republicans voted against the Paycheck Fairness Act, which would have required employers to justify differing paychecks to men and women doing the same job. *Id.*; see also Jennifer Bendery, *Paycheck Fairness Act Fails Senate Vote*, HUFFINGTON POST (June 5, 2012, 3:59 PM), [http://www.huffingtonpost.com/2012/06/05/paycheck-fairness-act-senate-vote\\_n\\_1571413.html](http://www.huffingtonpost.com/2012/06/05/paycheck-fairness-act-senate-vote_n_1571413.html).

benefits disproportionately disadvantages single parents, who remain overwhelmingly women.<sup>169</sup>

A true women's agenda would therefore constrain hierarchy and limit the ability of the one percent to dictate national priorities. It would focus on rebuilding community and providing for those who would otherwise lose out. We expect that such an agenda would devote greater resources to education and children, focusing on ethical decisionmaking and investing in children, not promoting marriage as an end in itself or as a substitute for real solutions to poverty. It would make workplaces more family friendly and families more central to national policy. It would seek to include all of those who can contribute to the productive life of the nation. It would create stable jobs, acknowledging the need for a social safety net that provides adequate health care and retirement security. Perhaps most of all, such policies, in their efforts to limit the effects of greater inequality, would mark the rebirth of marginalized men and the true power of women.

---

<sup>169</sup> See TIMOTHY CASEY & LAURIE MALDONADO, *LEGAL MOMENTUM, WORST OFF – SINGLE PARENT FAMILIES IN THE UNITED STATES 4* (2012), available at <http://www.legalmomentum.org/our-work/women-and-poverty/resources--publications/worst-off-single-parent.pdf> (reporting that more than eighty percent of single parents in the United States are single mothers).

